

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 CA-01 JUSE-00 SSO-00 TRSE-00
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E.O. 11652: N/A
TAGS: PDIP
SUBJ: EXTRADITION

REF: (A) PARIS 24310 (B) STATE 195061

1. FRENCH JUSTICE MINISTRY (HENNE) GAVE CONGEN
GREEN LIGHT TODAY TO MAKE REQUEST FOR PROVISIONAL ARREST
OF TWO PERSONS DESCRIBED REFTEL B FOR PURPOSES OF
EXTRADITION.

2. QUESTION OF FISCAL OFFENSE VS FRAUD GAVE HENNE
PAUSE, HOWEVER, AND HE LEFT ROOM TO CONSULT WITH
HIS SUPERIOR. RETURNED TO SAY THAT WE COULD MAKE
ARREST REQUEST BUT TO CITE CHARGE AS FRAUD, PURE AND
SIMPLE, OF U.S. TREASURY AND AMERICAN PEOPLE. IN NO
WAY SHOULD OUR REQUEST BE ASSOCIATED WITH "FISCAL"
CONSIDERATIONS, LEST ARTICLE VI (BIS) BECOME APPLIC-
ABLE. HENNE REASONED THAT FRAUDULENT ACTIONS BY
PERSONS WHO WERE NOT U.S. TAXPAYERS AND WHO WERE
OUTSIDE OF U.S. TAX SYSTEM COULD NOT BE CONSIDERED AS
FISCAL OFFENSES (AS THEY WOULD BE IN CASE OF U.S.
TAXPAYER) BUT SIMPLY AS FRAUD ("ESCROQUERIE").

3. FRENCH HAVE NO PROBLEM WITH METHOD OF GETTING
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SUBJECTS INTO FRANCE. IN FACT, THEY WOULD PREFER NOT
TO KNOW ANYTHING ABOUT WHAT DOES NOT CONCERN THEM AS
SUCH.

4. PRIOR TO HENNE'S CONSULTATION WITH SUPERIOR, HE
AND HIS DEPUTY (FAUCARD) WERE LEANING TOWARD IDEA OF
NECESSITY OF EXCHANGE OF NOTES PER "ONLY IF THE

CONTRACTING PARTIES HAVE SO DECIDED IN RESPECT OF ANY SUCH OFFENSE" PART OF ARTICLE VI-BIS OF EXTRADITION CONVENTION. THIS, OF COURSE, IS NOT NECESSARY IN LIGHT OF ABOVE ADMINISTRATIVE DECISION. HOWEVER, HENNE AND FAUCARD ALLOWED FOR POSSIBILITY THAT CHAMBRE D'ACCUSATION SUBSEQUENTLY IN CONSIDERING U.S. REQUEST COULD SUGGEST SUCH EXCHANGE IF DEFENSE ARGUED THAT CHARGES ARE FOR FISCAL OFFENSE. (THIS IDEA PUZZLES US AS WE DO NOT SEE HOW CHAMBRE COULD GIVE TWO GOVERNMENTS OPPORTUNITY TO REGULARIZE MATTER AFTER EXTRADITION HEARINGS OPEN.)

5. IN SHORT, WE ARE PREPARED TO MAKE REQUEST FOR ARREST VIA DIPLOMATIC CHANNEL ON RECEIPT OF INFORMATION PER PARAGRAPH 8 OF REFTTEL B. IN VIEW OF HENNE GUIDELINES, U.S. REQUEST CAN APPARENTLY BE MADE UNDER ANY OR ALL OF ARTICLE II ITEMS CITED PARAGRAPH 7 OF REFTTEL B.
HARTMAN

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NNN

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